

SUBCHAPTER 3

RECONSTRUCTED VEHICLE APPROVAL PROCEDURES

- §19-134-21 Reconstructed vehicle owner requirements.
- (a) For the purposes of this chapter, the owner of a reconstructed vehicle is considered to be:
- (1) A person shown as a legal owner on the current, valid, certificate of registration for the vehicle;
 - (2) A person who is not the legal owner, but is shown as the registered owner on the current, valid, certificate of registration;
 - (3) If the certificate of registration is not current:
 - (A) A person shown as a legal owner on a valid certificate of ownership for the vehicle; or
 - (B) A person whose signature appears as the buyer on the properly executed release portion of the certificate of ownership;
 - (4) A person named in a bill of sale signed by the authorized representative of a dealer in motor vehicles licensed under chapter 437, Hawaii Revised Statutes;
 - (5) A person named in a bill of sale issued under section 286-48(b), Hawaii Revised Statutes; or
 - (6) If the reconstructed vehicle contains no major body or structural parts identifiable to a specific vehicle, a person who provides proof of ownership of the engine of the vehicle and a vehicle identification number (VIN) assigned by the county director of finance.
- (b) The owner of a reconstructed vehicle shall be responsible for all testing required by this chapter and for providing proper certification of compliance as required by this chapter.
- (c) The owner of a reconstructed vehicle or the owner's representative having knowledge of the nature of the vehicle modifications, and as designated in writing by the owner shall appear in person to execute the procedure required by this chapter. [Eff JUL 24 1993] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-22 Design approval requirements. (a) A reconstructed vehicle manufactured by a modified vehicle manufacturer shall be approved by a county department only after the modified vehicle manufacturer has:

- (1) Submitted design plans and specifications approved by a registered professional engineer to the director;
 - (2) Certified that the design plans and specifications meet the requirements of this chapter and the requirements of all federal regulations applicable to new vehicles; and
 - (3) Obtained documented approval of the vehicle design plans and specifications from the director.
- (b) A vehicle reconstructed by use of a modified vehicle kit shall be approved by the county department only after the modified vehicle kit manufacturer has:
- (1) Submitted design plans and specifications approved by a registered professional engineer to the director;
 - (2) Certified that all components of the kit meet the applicable requirements of this chapter and the requirements of all federal regulations applicable to the same components when used in the manufacture of new vehicles; and
 - (3) Obtained documented approval of the kit design and specifications from the director.
- (c) A reconstructed vehicle of a design which is not in conformance with the equipment requirements of this chapter shall be approved only after the person desiring approval has:
- (1) Submitted design plans and specifications, approved by a registered professional engineer to the director;
 - (2) Identified the design features which are not in conformity with the requirements of this chapter;
 - (3) Provided a rationale explaining why the nonconforming design feature will not degrade the safety of operation of the vehicle or subject the vehicle occupants or other persons in the vicinity of the vehicle to additional hazard; and
 - (4) Obtained documented approval of the vehicle design plans and specifications from the director.
- (d) Any vehicle owner may submit design plans and specifications for the modification or reconstruction of a vehicle to the director for approval prior to the actual modification or reconstruction of the vehicle. Approval of the design plans and specifications by the director shall not relieve the vehicle owner from meeting all of the requirements of this chapter. [Eff JUL 24 1985]
- (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-23 Reconstructed vehicle permits. (a) Application for a reconstructed vehicle permit shall be made at a place or places designated by the county department.

(b) Application for a reconstructed vehicle permit shall be made on the form prescribed in the exhibit entitled "Reconstructed Vehicle Permit Application", dated 12/1/84, located at the end of this chapter.

(c) The county department shall furnish the prescribed application form and additional copies necessary to meet record keeping requirements.

(d) The reconstructed vehicle owner or a person designated by the owner in accordance with section 19-134-21(3) or (4) shall:

- (1) Complete those portions of the application form that identify the applicant, the vehicle owner, the vehicle, and the description of components; or furnish the required information as may be required by the county department;
- (2) Provide such documents, licenses, or certificates as may be required by this chapter or by the county department to reasonably establish applicant identity, vehicle owner identity, quality of workmanship, condition of vehicle components or systems, and identity of parts;
- (3) Have the vehicle inspected and certified by a reconstructed vehicle inspector appointed by the county department; and
- (4) After inspection certification, present the application form and all required documents to the person designated by the county department for review and approval or disapproval action.

(e) Approval signatures shall be affixed to reconstructed vehicle permits only by persons having written authorization from the county department.

(f) A permit number, determined by the county department, shall be inscribed upon the approved application form by the county department.

(g) The serial number of the reconstructed vehicle sticker issued for the vehicle shall be inscribed upon the approved application form by the county department. This action validates the application as the reconstructed vehicle permit.

(h) The validated reconstructed vehicle permit is then issued to the applicant and is valid for an indefinite period.

(i) The reconstructed vehicle permit shall be available in the reconstructed vehicle whenever the vehicle is operated on the public streets and highways.

(j) The driver of a reconstructed vehicle operating on the public streets or highways shall display the reconstructed vehicle permit upon request by a police officer, or any other person as authorized by the county department or the director.

(k) The county department shall provide, without charge, a copy of the reconstructed vehicle permit to the reconstructed vehicle owner as a replacement for a previously issued permit which has become unusable due to wear or mutilation. The reconstructed vehicle owner shall surrender the unusable permit to the county department in exchange for the replacement permit.

(l) If a reconstructed vehicle permit is lost or has otherwise disappeared, the applicant shall be issued a duplicate permit at no charge.

(m) A reconstructed vehicle permit shall be cancelled and withdrawn by the county department upon the request of the reconstructed vehicle owner under the following conditions:

(1) The reconstructed vehicle owner provides evidence as required by the county department that all parts and components of the vehicle have been returned to substantial conformance with those supplied by the recognized manufacturer of the original vehicle; and

(2) The reconstructed vehicle owner surrenders the reconstructed vehicle permit and sticker to the county department.

(n) The county department shall notify the vehicle registration authority of every vehicle which has been found by the county department to have been returned to a substantially original condition. [Eff JUL 24 1986]
(Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-24 Reconstructed vehicle stickers. (a) Reconstructed vehicle stickers shall be of a design approved by the director.

(b) The county department shall provide and issue one reconstructed vehicle sticker to be affixed to each reconstructed vehicle for which a reconstructed vehicle permit has been issued by the county department.

(c) The reconstructed vehicle sticker shall be affixed by the county department to the rear bumper of the reconstructed vehicle in close proximity to the rear license plate where it is clearly visible from a position fifty feet behind the vehicle; or, if no such bumper location is available, the sticker shall be affixed by the county department to another location, as determined by

the county department, in close proximity to the rear license plate, where it is clearly visible from a position fifty feet behind the vehicle.

(d) Lost, stolen, or destroyed reconstructed vehicle stickers shall be replaced by the county department when the following conditions are met:

- (1) The reconstructed vehicle owner presents the reconstructed vehicle permit issued for the vehicle and submits a written statement of the circumstances concerning the loss of the sticker including the approximate time, date, and location of the vehicle when the loss occurred;
- (2) The county department determines that the identity of the vehicle owner, the identity of the vehicle, and the description of components are the same as indicated on the reconstructed vehicle permit; and
- (3) The reconstructed vehicle owner pays the cost of the replacement sticker and any other fee determined by the county department for the replacement of the sticker.

(e) Upon issuance of a replacement reconstructed vehicle sticker, the county department shall enter the number of the replacement sticker on the reconstructed vehicle permit. [Eff JUL 24 1988] (Auth: HRS §286-85)
(Imp: HRS §286-85)

§19-134-25 Reconstructed vehicle inspection procedure. (a) The inspection of reconstructed vehicles shall be conducted only at reconstructed vehicle inspection stations designated by the county department and only by reconstructed vehicle inspectors appointed or assigned by the county department.

(b) Every reconstructed vehicle shall be certified by a reconstructed vehicle inspector as meeting the standards and criteria prescribed in the exhibit entitled "Reconstructed Vehicle Standards and Criteria", dated 12/1/84, located at the end of this chapter, prior to the issuance of a reconstructed vehicle permit by the county department.

(c) Every defect, by periodic vehicle inspection standards, found during the reconstructed vehicle inspection, shall be corrected prior to the issuance of a reconstructed vehicle inspection certification.

(d) When inspecting a reconstructed vehicle, the reconstructed vehicle inspector shall:

- (1) Use the reconstructed vehicle inspection checklist, exhibited on the reverse side of the

exhibit entitled "Reconstructed Vehicle Permit Application and Inspection Form", dated 12/1/84, located at the end of this chapter; and

- (2) Initial and date opposite each item on the checklist that is found to meet the requirements of this chapter.

(e) The reconstructed vehicle owner, or applicant designated by the owner, shall present the following items to the reconstructed vehicle inspector at a reconstructed vehicle inspection station:

- (1) The reconstructed vehicle;
- (2) An application for a reconstructed vehicle permit, properly completed and signed by the owner or applicant; and
- (3) All certificates and other documents required by this chapter.

(f) The reconstructed vehicle owner, or applicant designated by the owner, shall pay the reconstructed vehicle inspection fee to the reconstructed vehicle inspector before the reconstructed vehicle is inspected.

(g) No additional inspection fee shall be required for the reinspection of items found to be deficient on the initial inspection if the reconstructed vehicle is presented for reinspection within ninety days after the date of the initial inspection.

(h) When more than ninety days have elapsed from the date of the initial inspection and failure of certification of a reconstructed vehicle, the entire application and inspection procedure shall be initiated again by the reconstructed vehicle owner or applicant designated by the owner and an additional inspection fee may be required from the reconstructed vehicle owner. An additional sixty days may be granted when the delay is due to delivery of back ordered parts. The delay must be substantiated with a written document from the business that has the part on order. The written document shall be submitted to the county department when requesting an extension.

(i) When the reconstructed vehicle inspector has completed the inspection of a reconstructed vehicle and finds that the vehicle meets all the inspection requirements of this chapter, the inspector shall certify this fact by affixing the inspector's signature, inspector number, and the date in the space provided on the face of the application form. [Eff JUL 24 1985] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-26 Reconstructed vehicle inspection fee. The maximum fee that may be charged by a reconstructed vehicle

inspector for the inspection of a reconstructed vehicle other than a motorcycle is \$15. The maximum fee that may be charged by a reconstructed vehicle inspector for the inspection of a reconstructed motorcycle is \$8.

[Eff JUL 24 1986] (Auth: HRS \$286-85) (Imp: HRS \$286-85)

\$19-134-27 Reconstructed vehicle records. (a) The county department shall maintain a record file containing a copy of each currently valid reconstructed vehicle permit issued by the department.

(b) The copy of the reconstructed vehicle permit may be removed from the county department record file when the reconstructed vehicle permit is cancelled.

[Eff JUL 24 1986] (Auth: HRS \$286-85) (Imp: HRS \$286-85)

\$19-134-28 Suspension, cancellation, and reinstate ment of reconstructed vehicle permits. (a) A reconstructed vehicle permit may be suspended by the county department when the vehicle owner is found to be in violation of this chapter.

(b) A reconstructed vehicle permit shall be cancelled by the county department:

(1) At the request of the vehicle owner when:

(A) The owner provides evidence as required by the county department that all added, substituted, or modified parts or components of the vehicle, which required the issuance of the permit, have been returned to substantial conformance with those supplied by the recognized manufacturer of the vehicle when new; and

(B) The vehicle owner surrenders the reconstructed vehicle permit and sticker to the county department;

(2) When the reconstructed vehicle owner fails to renew the vehicle registration certificate within ninety days after the expiration thereof. Vehicles stored with proper documents shall not cause the vehicle's reconstruction permit to be suspended;

(3) At the discretion of the county department when:

(A) The reconstructed vehicle permit has been suspended more than once in any three hundred sixty-five day period; or

(B) A suspended reconstructed vehicle permit has not been reinstated within sixty days; and

- (C) The county department has afforded a hearing, and has given thirty days notice of the intent to cancel the permit to the vehicle owner by certified mail at the address shown on the most recent vehicle registration certificate.
- (c) The county department shall reinstate suspended reconstructed vehicle permits when:
- (1) The offending condition has been corrected; and
 - (2) The county department may require the vehicle owner to have the reconstructed vehicle reinspected to the extent necessary to confirm conformance with this chapter and to require the owner to pay the inspection fee and the cost of any reissued sticker before the reconstructed vehicle permit is reinstated.
- [Eff JUL 24 1986] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-29 Appeal procedures. Whenever a person is aggrieved by any decision of the county department under this chapter, that person may appeal the decision of the county department to the director within twenty days after the decision, or within an additional time as may be granted in writing by the county department. The aggrieved person shall submit an informal appeal to the director setting forth the appellant's name, a general statement as to the reason for the appeal, a description of the motor vehicle involved, the circumstances of the county department's decision, and the date the decision was rendered. A copy of the notice of appeal shall be served upon, or mailed, postage prepaid, by registered mail with return receipt, to the director. The director shall appoint a panel of at least four members to assist in reviewing and recommending disposition of all appeals submitted by an aggrieved person. The decision rendered by the director shall be final. [Eff JUL 24 1986] (Auth: HRS §286-85) (Imp: HRS §286-85)

SUBCHAPTER 4

SEVERABILITY AND EFFECTIVE DATE

§19-134-41 Severability. If any portion of this chapter is held invalid for any reason, the invalidity